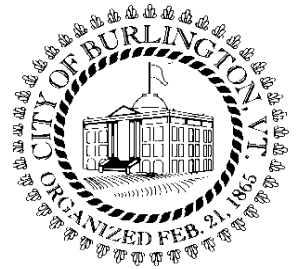


Department of Permitting and Inspections

Zoning Division
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Charlene Orton, DPI Administrator



MEMORANDUM

To: The Design Advisory Board
From: Mary O'Neil, AICP, Principal Planner
RE: 77-87 Pearl Street (6 Pine Street) ZP21-614
Date: September 14, 2021

File: ZP21-614

Location: 77-87 Pearl Street (fka 6 Pine Street)

Zone: FD6 **Ward:** 3C

Parking District: Multi-Modal Mixed Use

Date application accepted: August 12, 2021

Applicant/ Owner: Jacob Hinsdale

Request: Demolish carriage barn and return to green space. Structure is listed on the Vermont State Register of Historic Resources.

Background:

77-87 Pearl Street (this includes multiple connected commercial buildings fronting Pearl Street, and a residential duplex fronting Pine Street.)

- **Zoning Permit 21-0745CA;** removing 2 sections of brickwork to install windows. Approved March 2021.
- **Zoning Permit 21-0028CA;** Increase unit count from 5 to 9 residential units; project includes a 3 space parking waiver request. September 2020.
- **Non-Applicability of Zoning Permit Requirements 18-0392NA;** window sign <25% window area. October 2017.
- **Zoning Permit 18-0380SN;** projecting sign. Application withdrawn October 2017.
- **Zoning Permit 18-0270CA;** install rooftop decking with steel railings; remove and replace exterior rooftop decking; repair siding; replace windows. September 2017.



- **Zoning Permit 18-0119CA**; install kitchen hood ventilation system and roof vent. August 2017.
- **Zoning Permit 18-0070SN**; new illuminated parallel sign for Fetch the Leash. July 2017.
- **Zoning Permit 17-1085CA**; change of use from diner to dog training facility. June 2017.
- **Zoning Permit 17-1118CA**; change of use from deli/take out restaurant (former Radio Deli) to restaurant with seating. May 2017.
- **Zoning Permit 17-1014CA**; install transom window in original location. May 2017.
- **Zoning Permit 16-0707CA/CU**; demolish barn structure and replace with parking. **Application withdrawn** May 2016.
- Non-applicability of Zoning Permit Requirements 15-0949NA; repair and replace fascia on east and south side of (Pearl St.) building. April 2015.
- Non-applicability of Zoning Permit Requirements 15-0792NA; replace and repair damaged and rotten trim and window sills on exterior store fronts. February 2015.
- Non-applicability of Zoning Permit Requirements 12-0880NA; painting of mural on west side of building. March 2012.
- Zoning Permit 09-955CA; remove 2 roof additions (Pearl St.), strip and re-sheath existing rooftop structure and enclosed stairway with cementitious clapboard; install rubber roofing system to flat roofs, asphalt shingle roof on penthouse. Remove and reconstruct existing decorative cornice to match existing. Building 10' x 10' and 10' x 15' roof decks with railing. June 2009.
- Zoning Permit 09-541CA; remove existing mixed asphalt and slate roof shingles and replace with asphalt shingles on apartment house at 6 Pine Street. Carriage barn is NOT included within this permit approval. February 2009.
- Zoning Permit 01-294; two non-illuminated parallel signs of painted/enamelled metal, one on Pearl Street frontage and one on Pine Street. Includes gooseneck down lighting fixtures. January 2001.
- Zoning Permit 01-228, refurbish existing corner grocery store with a deli component exterior façade. Uncover blocked windows and paneling to restore original design and opening. No change in use or massing. November 2000.
- Zoning Permit application to change use to add deli and cook area. Application withdrawn March 1999.
- Zoning Permit 91-121; install awning with sign on front for Leonardo's Pizza (83 Pearl.) October 1990.
- Zoning Permit 91-013; change of use to restaurant (83 Pearl.) July 1990.
- Zoning Permit 87-741; change of use to allow for used furniture sales. Formerly a ceramic shop. March 1988.

- Zoning Permit 81-205; erect stockage fence 6' high. October 1980.
- Zoning Permit 81-142; construct peak roof on existing structure. Additional space will provide one additional dwelling unit. September 1980.
- Zoning Permit to convert a pet shop at 77 Pearl Street into a laundromat, install venting. April 1978.
- Zoning Permit for Giroux Sign Screen Print to sell and make signs at 87 Pearl Street, formerly the Pet Shop. November 1977.
- Zoning Permit to convert a storage use at 85 Pearl into an amusement arcade. September 1975.

6 Pine Street

- **Zoning Permit 18-1198CA**; add basement access door on north side in alleyway, no increase in living space. (Duplex.) July 2018.
- **Zoning Permit 79-36** (? illegible); move Plateau Club from present location to 6 Pine Street duplex. No exterior or structural changes. February 1979. [Owner Clark Hinsdale.]

Overview: This is a second application to demolish a Vermont State-register listed historic barn from the rear of 77-87 Pearl Street. The 2016 application was withdrawn. Formerly known as 6 Pine Street, the building was constructed between 1885- 1890 as a carriage barn in the Tudor/Stick-Style. The building is individually listed on the Vermont State Register of Historic Resources; therefore Section 5.4.8 (b) and (d) apply.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a)Protection of Important Natural Features:

There are no identified natural features on site.

(b) Topographical Alterations:

Other than grading post demolition, no topographical alterations are proposed.

(c)Protection of Important Public Views:

There are no protected public views across the site. Not applicable.

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield

information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

See Section 5.4.8, below.

(e) Supporting the Use of Renewable Energy Resources:

Not applicable.

(f) Brownfield Sites:

This is not an identified Brownfield site on Vermont's DEC list. The area is generally known to contain "urban soils" which require special handling.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

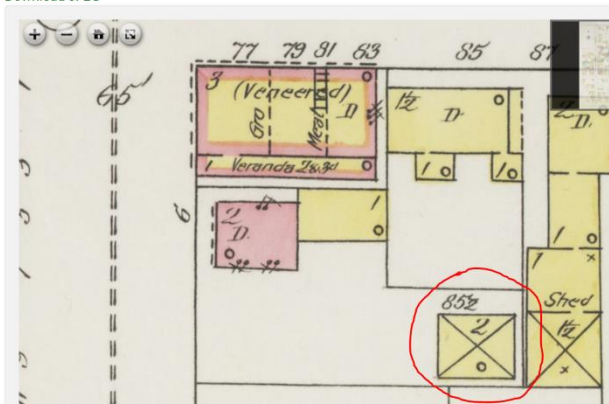
Although the site is currently covered by a building, its removal and replacement with new green space will present an opportunity to address stormwater runoff. As more than 400 sq. ft. will be disturbed, a small project erosion prevention and sediment control planned is required.

(h) Building Location and Orientation:

The building sits in its original location and orientation; set back from its associated primary structure (duplex fronting Pine Street). Its removal will alter the characteristics of the site that references the early residential character of the neighborhood, and the association the barn had with the surrounding buildings.

Burlington 1894, sheet 13

[Download JPEG](#)



conflicts with the public sidewalk.

(i) Vehicular Access:

No change to vehicular access is included within the submission. The 1981 site plan shows a limited curb cut (15'). This application does not include a scaled site plan. The driveway should not exceed the last approved plan.

(j) Pedestrian Access:

No change is proposed to the existing pedestrian access to the overall parcel. The parking access should be limited to minimize

(k) Accessibility for the Handicapped:

Not applicable.

(l) Parking and Circulation:

The parking area has been identified on a site plan since 1980. At that time, it served multiple apartments in 77-83 Pearl Street, one apartment in 6 Pine Street, and commercial use on the first floor of 6 Pine and the entire commercial space at 85-87. This application proposes the demolition of the accessory structure, which most likely served as a repository for a cutter (horse drawn sleight) and horse, with equipment and hay storage above. There is no approved parking plan that illustrates striping or the number of spaces defined. A more recent restaurant conversion identified the location of three parking spaces (2 north of, and one west of the barn.) The removal of this building is intended to provide additional green space. A site visit February 2, 2016 illustrated parking for 7 car; six in angled spaces in front of the barn, and one next to it. The submitted site plan does not account for relocation of two dumpsters which currently sit west of it.

No change to access is proposed.

(m) Landscaping and Fences:

Other than installation of green space, no further landscaping is proposed. Given the intensity of use at the site, a landscaping plan, with parking barriers is recommended to prevent parking lot “creep” onto the site if the demolition is approved.

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

Not applicable.

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

This is an existing accessory structure that could provide substantial benefit to the associated residential units with bicycle and equipment storage, trash and recycling location, residential storage, or material storage for the commercial uses. The opportunity of having such a storage building is not recognized in the application, with demolition proposed.

The application also fails to identify relocation of the two existing dumpsters (not on the 1980 approved site plan) which in themselves post a risk to the carriage barn. Other than the potential for them to be inadvertently dropped or nudged into the building, there is the potential for a literal dumpster fire which, in close proximity to the wooden structure, would be catastrophic.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be place underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.



Both current and 2016 photographs demonstrate dumpsters located in close proximity to this building. There is no site plan on file that has approved dumpsters, which are not screened and are visually unattractive as well as a potential for fire calamity for the wood frame barn. A plan will be required for the location and screening of all dumpsters and oil drums.

Part 3: Architectural Design Standards
Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The massing, height and scale of the existing building is consistent with its original function. Its removal will eliminate that characteristic site feature.

2. Roofs and Rooflines. Not applicable.

3. Building Openings

Not applicable.

(b) Protection of Important Architectural Resources: *Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible*

for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8.

(c) Protection of Important Public Views:

See Section 6.2.2. c.

(d) Provide an active and inviting street edge:

This quirky yet ornate building has enormous interest from the street front. Its removal and replacement with green space will be a notable loss to the site and neighborhood.

(e) Quality of materials:

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

Submission materials do not reflect consultation with an architectural historian relative to appropriate repair, restoration or replacement activities.

(f) Reduce energy utilization:

There is no analysis of comparative energy expenditure, particularly energy utilized by heavy equipment to tear down the small structure when added to the value of the “embodied energy” of the existing building: the amount of energy invested in its materials and construction. Various studies, including one by the Department of Defense, have examined Btu’s of energy lost from demolition, adding the cost of energy to demolish, remove and dispose of debris. The addition of new materials (macadam, paint striping, cost of equipment, delivery and manpower) further elevates that energy expenditure. From “The Benefits of Cultural Resource Conservation”, published by the U.S. Department of Defense:

The process of rehabilitating a historic facility consumes less energy than new construction. And, the energy costs of operating a rehabilitated structure vs. a new structure are effectively equal.¹

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

At present, the building is vacant but filled with refuse and discarded building materials. Two dumpsters are located under the building eaves and gable end. There is a significant threat to the

¹ As reprinted in *The Economics of Historic Preservation* Washington DC; National Trust for Historic Preservation), 1998. P 51-52.

building due to vandalism, fire, or ongoing neglect. The applicant is strongly encouraged to move the dumpsters, clean out the debris, and plan for repair and/or rehabilitation. If demolition is approved, a site plan illustrating a landscaping plan with parking barriers, and the location and method of screening for the dumpsters will be required.

Sec. 5.4.8 Historic Buildings and Sites

(d) Demolition of Historic Buildings:

The purpose of this subsection is:

- . To discourage the demolition of a historic building, and allow full consideration of alternatives to demolition, including rehabilitation, adaptive reuse, resale, or relocation;*
- . Provide a procedure and criteria regarding the consideration of a proposal for the demolition of a historic building; and,*
- . To ensure that the community is compensated for the permanent loss of a historic resource by a redevelopment of clear and substantial benefit to the community, region or state.*

1. Application for Demolition.

For demolition applications involving a historic building, the applicant shall submit the following materials in addition to the submission requirements specified in Art. 3:

A. A report from a licensed engineer or architect who is experienced in rehabilitation of historic structures regarding the soundness of the structure and its suitability for rehabilitation;

The application includes a single submission of a report from Roland Van Dyck relative to the condition and structural stability of the barn. He concludes:

In summary, while imminent and/or catastrophic failure of the barn at 6 Pine Street is not yet a serious concern, the building is in a state of “progressive” decay and failure; a condition that will eventually result in the building becoming unstable. Furthermore, the building is currently unsafe for use or any form of occupancy due to the strength deficiencies of current framing elements, particularly with respect to 2nd Floor framing. The chimney, too, is an element of concern since loose and/or dislodged brick, at the top of the chimney, can present a safety hazard to anyone in close proximity to where the chimney projects up through the roof. Therefore, taking into consideration the current condition of the building as well as possible options for re-purposing the building, we feel that cost/effort required to make the building safe and functional again would likely be significant and that the effort should be weighed against the reasonable benefits for building restoration as well as possible options for building utilization.

While Mr. Van Dyck underlines structural concerns, his last sentence infers opportunities with building restoration and utilization. He does not define what specific cost or effort would be required, but defines it as “likely significant.”

It is common to reinforce structures to enhance or improve load; and deferred chimney repair should not be considered the basis for building removal.

B. A statement addressing compliance with each applicable review standard for demolition;

The application material is absent any information relative to compliance with review standards.

C. Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addresses:

Rather than economic hardship, the applicant has declared that they have no interest in investing any money in the structure. The submission lacks a feasibility report from an architect, developer or appraiser, or other person experienced in rehabilitation and adaptive reuse.

(i) the estimated market value of the property on which the structure lies, both before and after demolition or removal;

No claim of economic hardship has been raised.

An estimate for market value have not been submitted.

and,

(ii) the feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;

The owner has expressed no interest in the rehabilitation of the building for residential use. When “Tiny Homes” have become the rage across the country and when young and old are returning back to urban centers, the opportunity to create a new “hip” residential unit in the core of Downtown Burlington is compelling. Within the Multi-Modal Mixed Use Parking District, there are no parking requirements. It is also likely that federal tax credits would be available toward the rehabilitation of the building as an income generating investment property. In addition to the assessment done by Van Dyck, it would be instructional to have a parallel analysis done by one familiar with structural rehabilitation toward reuse. There is nothing that suggests the applicant has explored other options than demolition. Further investigation of the building’s potential for reuse is strongly urged.

If the Board favors the removal of the building over rehabilitation, *it should at the very least* be advertised for sale and relocation; an option that would allow its survival.

D. A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites;

Replacement of this notable structure with a small area of green space is not a satisfactory redevelopment plan that honors the architectural and historic qualities of this or surrounding structures. While open areas are welcome for public enjoyment and use, this small area will remain private, and likely converted to parking or dumpster storage in a zoning district that allows up to 100% lot coverage. By this standard, there is no redevelopment plan; and the proposal has a significant negative effect on the architectural and historical qualities of other structures and the character of the neighborhood around the site.

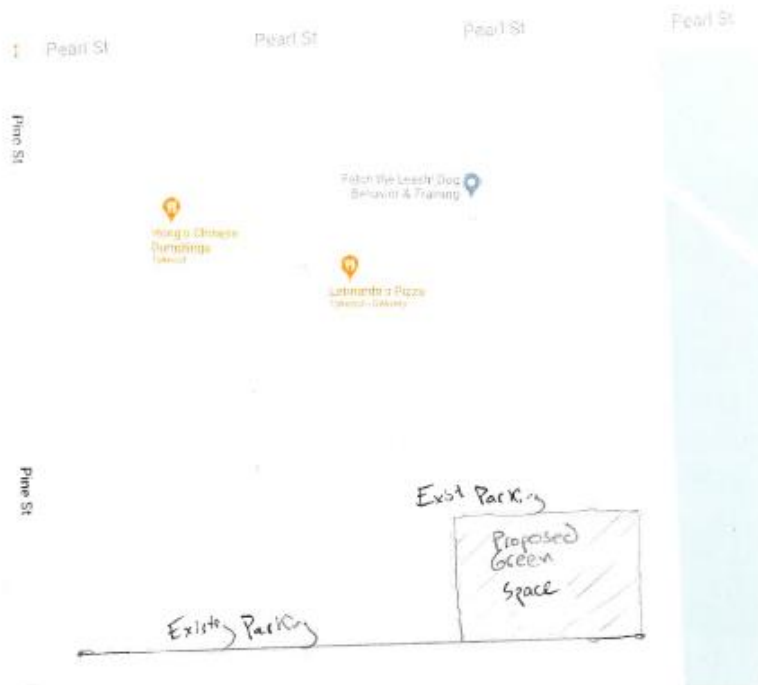
and,

E. Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.

The submitted plan is an annotated Google image with the location of the barn identified as green space. An overall coverage calculation has not been submitted.

77-87 Pearl St. / 6 Pine St. - Site Plan

August 17th, 2021



Additional 543.25
square feet of
new green space

Total Green Space
 $24.5' \times 32' = 784$

2. Standards for Review of Demolition.

Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for Conditional Use Review and in accordance with the following standards:

A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure;

Observation shows evidence of fire damage (south elevation, boarded over), a failing chimney and soffit with holes. There are no building permits on file specifically for repair of the barn. Please refer to report by Van Dyck for assessment of structural stability and building condition, which he determines to be in “progressive failure.”



This photograph was taken for the 2016 review. Similar photographs are within the Van Dyck report.

or,

B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district;

Submission materials are absent any evaluation of the building’s suitability for rehabilitation. Evidence of an opportunity for relocation has not been provided.

or,

C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.

A small green area will have a minimal benefit to the tenants, but no marked benefit for the greater community. The building, with its unique detailing and association with the duplex immediately north of it, has greater architectural value.

*And **all** of the following:*

D. The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;

There is no mitigation of the adverse effect of removing the building within the application. To the contrary; the allowance of demolition here opens the door to further loss of additional buildings both on site and on neighboring properties. This is a “fringe” remnant of Urban Renewal; where only a few original structures remain. Development interest and redevelopment potential is high on this block within Form District 6.

E. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington’s architectural history;

If demolition is approved, photodocumentation of the structure should be completed to retain a record of this significant building, just as Urban Renewal photographs were compiled prior to that effort.

and,

F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).

(i) Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;

(ii) Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,

(iii) The time between demolition and commencement of new construction generally shall not exceed six (6) months.

The applicant proposes an immediate demolition and installation of 543 sf of green space. There is no identification of the location for relocated dumpsters on the submitted site plan.

No replacement structure is proposed. A small green space will not measurably enhance the architectural character of the immediate area, neighborhood or district.

This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property’s redevelopment.

There has been no such deed restriction proffered.

3. Deconstruction: Salvage and Reuse of Historic Building Materials.

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

If approved by the DRB, the applicant is encouraged to offer the building for relocation; absent that, a requirement to deconstruct using the safest method possible, minimizing exposure to lead

paint and any other potential public safety issue. What material may be salvaged is encouraged for sale or reuse.